

EXHIBIT 102

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
BOSTON DIVISION
-----x
STUDENTS FOR FAIR ADMISSIONS,
INC.,
Plaintiff,
Civil Action No.
vs. 1:14-cv-14176
PRESIDENT AND FELLOWS OF HARVARD
COLLEGE (HARVARD CORPORATION);
and THE HONORABLE AND REVEREND ^
THE BOARD OF OVERSEERS,
Defendants.
-----x
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY
DEPOSITION OF GRACE CHENG
Friday, April 7, 2017
Boston, Massachusetts
BY: DEBORAH ROTH, CSR/RPR
JOB NO.: 72659

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09:32:16 1 daily, probably daily with Ms. McGrath. I'm
09:32:20 2 asking the same type of questions for those
09:32:22 3 that reported to you after 2012. What was
09:32:25 4 the extent of your communication with those
09:32:28 5 who reported to you?

09:32:29 6 MS. ELLSWORTH: Objection.

09:32:29 7 A. Probably daily communication.

09:32:48 8 Q. About what?

09:32:51 9 MS. ELLSWORTH: Objection.

09:32:51 10 A. Whatever issues they wanted to talk
09:32:56 11 about.

09:32:59 12 Q. Okay. What were your duties as the
09:33:01 13 associate director of admissions?

09:33:03 14 A. I was responsible for training new
09:33:18 15 admissions officers and onboarding new
09:33:26 16 officers.

09:33:27 17 Q. Are those separate things, training
09:33:30 18 and onboarding?

09:33:31 19 A. Yes.

09:33:35 20 Q. Okay. Can you explain what each of
09:33:36 21 those is?

09:33:37 22 A. Onboarding is literally the logistical
09:33:49 23 arrangements to welcome a new staff member.
09:33:59 24 Training was only for people who were going

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09:34:04 1 to read admissions files.

09:34:09 2 Q. Okay. Let's focus on the 2012 to 2015
09:34:16 3 time period. How many people reported to
09:34:19 4 you?

09:34:19 5 A. Between six and nine.

09:34:38 6 Q. Okay. And you were responsible for
09:34:42 7 training all of them; is that right?

09:34:44 8 MS. ELLSWORTH: Objection.

09:34:45 9 A. Only in reading procedures.

09:34:51 10 Q. Okay. And so what did the training in
09:34:55 11 reading procedures of application files
09:34:58 12 entail?

09:34:59 13 A. Using old real admissions cases to
09:35:22 14 acclimate readers as to what an application
09:35:24 15 looked like, the different sections of a
09:35:33 16 file, and how to evaluate each file.

09:35:43 17 Q. Is there training about the use of
09:35:48 18 race in an application file?

09:35:49 19 MS. ELLSWORTH: Objection.

09:35:49 20 A. No.

09:35:56 21 Q. Is there any discussion about an
09:35:59 22 applicant's race in the training of new
09:36:04 23 readers?

09:36:04 24 MS. ELLSWORTH: Objection.

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09:36:05 1

A. Yes.

09:36:22 2

Q. Can you tell me what is discussed

09:36:26 3

about race in the training of new readers?

09:36:29 4

MS. ELLSWORTH: Objection.

09:36:29 5

A. It is one data point that is

09:36:46 6

self-reported by the applicant that a reader

09:36:59 7

may receive and is part of a holistic

09:37:10 8

evaluation.

09:37:11 9

Q. Is that documented anywhere?

09:37:21 10

A. Yes.

09:37:25 11

Q. Where?

09:37:26 12

A. The reading procedures document.

09:37:35 13

Q. Did you draft that?

09:37:36 14

A. No.

09:37:37 15

Q. Who drafted that document?

09:37:38 16

A. I don't know.

09:37:44 17

Q. Did you make any changes to the

09:37:45 18

procedures while you were associate director

09:37:49 19

of admissions?

09:37:50 20

MS. ELLSWORTH: Objection.

09:37:51 21

A. I believe so.

09:37:53 22

Q. Do you recall anything specific about

09:37:57 23

those changes?

09:37:58 24

A. Changing dates.

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10:14:23 1 A. Probably.

10:14:26 2 Q. And at these roundtable discussions
10:14:29 3 you described, how were the numbers shared?
10:14:34 4 In other words, orally, or was there a piece
10:14:36 5 of paper that was -- or pieces of paper that
10:14:41 6 were passed around, or something else?

10:14:44 7 MS. ELLSWORTH: Objection.

10:14:44 8 A. Orally.

10:14:52 9 Q. And what numbers were shared orally?

10:14:54 10 MS. ELLSWORTH: Objection.

10:14:54 11 A. I don't remember. I was not the
10:15:01 12 person who had the numbers.

10:15:03 13 Q. I'm not asking specifically what the
10:15:06 14 numbers were. I'm asking what the
10:15:08 15 categories of the numbers that were
10:15:10 16 presented were?

10:15:11 17 A. Again, I don't remember the specifics,
10:15:20 18 and I don't know if that's how they do it
10:15:24 19 these days.

10:15:26 20 Q. When you attended -- you said you
10:15:30 21 attended twice, right?

10:15:31 22 A. Yes.

10:15:31 23 Q. In these meetings, you said numbers
10:15:37 24 were shared orally about admissions from the

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10:15:40 1 early action process from each school; is
10:15:42 2 that right?

10:15:42 3 A. Yes.

10:15:43 4 Q. And were those numbers the admissions
10:15:49 5 -- the applicants who were admitted broken
10:15:51 6 down by race?

10:15:53 7 MS. ELLSWORTH: Objection.

10:15:53 8 A. From what I recall, yes.

10:16:02 9 Q. Were there any other numbers that were
10:16:04 10 shared?

10:16:04 11 A. Overall numbers.

10:16:11 12 Q. Overall what?

10:16:12 13 A. Total number of applicants, admits.

10:16:22 14 Q. Okay. What else was discussed at
10:16:28 15 these meetings?

10:16:31 16 MS. ELLSWORTH: Objection.

10:16:32 17 A. Honestly, I don't remember.

10:16:35 18 Q. Well, let's start with the roundtable
10:16:42 19 meeting.

10:16:43 20 After the numbers were shared, was
10:16:45 21 there a discussion?

10:16:47 22 A. Not that I recall.

10:16:51 23 Q. So is it your memory that each
10:16:53 24 school's representative would share the

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10:16:55 1 numbers by race, and then the overall
10:16:59 2 numbers, go around the table, and then the
10:17:02 3 meeting was over?

10:17:04 4 MS. ELLSWORTH: Objection.

10:17:04 5 A. From what I remember, from the one
10:17:11 6 meeting I attended before 2009, yes.

10:17:15 7 Q. How about the other meeting?

10:17:16 8 A. I was not present for the roundtable
10:17:20 9 after 2012.

10:17:21 10 Q. Okay. Did people take notes at these
10:17:25 11 meetings?

10:17:26 12 MS. ELLSWORTH: Objection.

10:17:26 13 A. I don't remember.

10:17:28 14 Q. Do you remember people writing down
10:17:29 15 the numbers?

10:17:30 16 MS. ELLSWORTH: Objection.

10:17:30 17 A. I don't remember.

10:17:34 18 Q. Do you have any understanding of why
10:17:35 19 the numbers were shared orally?

10:17:38 20 A. I do not know.

10:17:46 21 Q. Did you ever ask why the numbers were
10:17:47 22 not shared in writing?

10:17:48 23 MS. ELLSWORTH: Objection.

10:17:49 24 A. No.

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10:17:51 1 Q. What's your understanding -- it seems
10:17:53 2 unusual to me that people would go into a
10:17:55 3 room and share numbers orally, and then
10:17:58 4 leave that room. What's your understanding
10:18:01 5 as to why that was the way the information
10:18:03 6 was transmitted?

10:18:04 7 MS. ELLSWORTH: Objection.

10:18:05 8 A. I have no idea.

10:18:08 9 Q. And nothing about that strikes you as
10:18:10 10 unusual?

10:18:11 11 MS. ELLSWORTH: Objection.

10:18:11 12 A. I don't know. I was a junior
10:18:19 13 counselor at the time.

10:18:22 14 Q. What was the purpose of sharing those
10:18:25 15 numbers?

10:18:26 16 MS. ELLSWORTH: Objection.

10:18:26 17 A. I don't know.

10:18:27 18 Q. What was your understanding of the
10:18:28 19 purpose?

10:18:29 20 A. To get some sort idea of what was
10:18:44 21 happening at peer institutions.

10:18:50 22 Q. And what would you do with that
10:18:52 23 information?

10:18:52 24 MS. ELLSWORTH: Objection.

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10:18:54 1 A. I don't remember. I didn't have the
10:19:04 2 information.

10:19:04 3 Q. Was it Roger Banks who brought that
10:19:07 4 information to the meeting that you
10:19:09 5 attended?

10:19:09 6 A. If he attended, he was the Harvard
10:19:27 7 institutional representative.

10:19:28 8 Q. So do you recall Mr. Banks collecting
10:19:36 9 those numbers in advance of the ABAFAOILSS
10:19:39 10 meeting?

10:19:40 11 A. I do not know how he got the numbers.

10:19:43 12 Q. Okay. Do you recall Mr. Banks writing
10:19:48 13 down the numbers from the other schools at
10:19:50 14 this meeting?

10:19:51 15 MS. ELLSWORTH: Objection.

10:19:51 16 A. I don't remember.

10:19:52 17 Q. Do you recall any conversation with
10:19:54 18 Mr. Banks about what was shared at the
10:19:57 19 meeting?

10:19:57 20 A. I do not recall.

10:19:58 21 Q. What's your understanding as to why
10:20:06 22 schools who attended this meeting were
10:20:09 23 sharing those numbers?

10:20:12 24 MS. ELLSWORTH: Objection.

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10:20:12 1 A. I don't know.

10:20:16 2 Q. What's your understanding as to why
10:20:20 3 Mr. Banks would attend this meeting and
10:20:22 4 share those numbers?

10:20:23 5 MS. ELLSWORTH: Objection.

10:20:23 6 A. I don't know.

10:20:31 7 Q. You don't know why this meeting took
10:20:37 8 place?

10:20:37 9 MS. ELLSWORTH: Objection.

10:20:37 10 A. It's -- in my opinion, it's a
10:20:49 11 networking opportunity meeting.

10:20:50 12 Q. Well, I mean you can network by, you
10:20:57 13 know, having drinks with folks at these
10:20:59 14 conferences. What you've described here in
10:21:02 15 this particular meeting does not sound like
10:21:04 16 a networking opportunity. Am I missing
10:21:07 17 something?

10:21:07 18 MS. ELLSWORTH: Objection.

10:21:12 19 A. I just don't know the reason why this
10:21:17 20 discussion happened or the roots of...

10:21:21 21 Q. Okay. Is it your understanding that
10:21:26 22 this meeting took place at the ABAFAOILSS
10:21:29 23 conference every year?

10:21:31 24 MS. ELLSWORTH: Objection.

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10:21:31 1 A. To the best of my knowledge, yes.

10:21:37 2 Q. How about the second time you attended
10:21:40 3 when Harvard hosted. Did you attend this
10:21:43 4 meeting?

10:21:43 5 A. No.

10:21:44 6 Q. Was there a similar meeting of
10:21:51 7 ABAFAOILSS after the regular admissions
10:21:53 8 process had concluded?

10:21:55 9 MS. ELLSWORTH: Objection.

10:22:01 10 A. I do not believe so.

10:22:15 11 Q. Who organized these meetings?

10:22:20 12 MS. ELLSWORTH: Objection.

10:22:20 13 A. There is a ABAFAOILSS executive board.

10:22:33 14 Q. And how would the ABAFAOILSS executive
10:22:36 15 board communicate with its members?

10:22:38 16 A. There is a Google group and mass
10:22:50 17 email.

10:22:50 18 Q. What is the Google group?

10:22:54 19 MS. ELLSWORTH: Objection.

10:22:54 20 A. I actually don't know.

10:22:59 21 Q. But it's a Google address?

10:23:01 22 A. I believe so.

10:23:05 23 Q. Going back to the meeting at
10:23:13 24 Dartmouth, do you recall approximately how

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10:44:13 1 Q. And "late breaking issues." What does
10:44:21 2 that mean?

10:44:21 3 A. That is all encompassing of any new
10:44:37 4 information.

10:44:39 5 Q. "New" meaning after the application
10:44:42 6 was submitted?

10:44:43 7 MS. ELLSWORTH: Objection.

10:44:46 8 Q. What does new mean? What do you mean
10:44:49 9 by "new"?

10:44:50 10 A. Any information that we learn about
10:44:57 11 that we did not get from the application.

10:45:00 12 Q. And how would the admissions office
10:45:04 13 learn of such information?

10:45:05 14 A. That could be from a teacher, a
10:45:13 15 counselor, the interview report, as I
10:45:18 16 indicate here.

10:45:25 17 Q. And what is an "IV report" or "4
10:45:28 18 report"?

10:45:29 19 A. Interview.

10:45:32 20 Q. For No. 3 do you see where it says
10:45:35 21 "standard strong"?

10:45:36 22 A. Yes.

10:45:37 23 Q. What does that phrase mean?

10:45:39 24 MS. ELLSWORTH: Objection.

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10:45:39 1 A. That is an office-specific adjective.
10:46:15 2 It is the average student who applies to
10:46:18 3 Harvard with qualities that make the student
10:46:40 4 an appropriate applicant to the school. We
10:46:44 5 just can't admit everyone qualified to be
10:46:48 6 there.

10:46:50 7 Q. Does that mean that the majority of
10:46:55 8 standard strong designated applicants were
10:46:57 9 rejected?

10:46:58 10 MS. ELLSWORTH: Objection.

10:47:07 11 A. I would say the majority of standard
10:47:09 12 strong applicants were not admitted.

10:47:20 13 Q. So I'm trying to understand why you
10:47:22 14 answered the question differently than I
10:47:24 15 asked it.

10:47:25 16 Does that mean that the remainder
10:47:27 17 were waitlisted? I'm trying to get an
10:47:32 18 understanding of what "standard strong"
10:47:34 19 typically means?

10:47:34 20 MS. ELLSWORTH: Objection.

10:47:34 21 A. I was answering that there's other
10:47:39 22 admissions decisions than just rejection.

10:47:42 23 Q. Okay. And what's your understanding
10:47:50 24 about the typical admissions result for a

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13:24:29 1 guess based on your experience looking at
13:24:34 2 these numbers what it might mean?

13:24:35 3 MS. ELLSWORTH: Objection.

13:24:36 4 A. No. I have no idea.

13:24:40 5 Q. Do you ever recall hearing the notion
13:24:43 6 of saving a space while you were in the
13:24:52 7 admissions office at Harvard?

13:24:53 8 A. No.

13:25:02 9 Q. We talked a minute ago about PR admits
13:25:06 10 being previous admits. Was this also
13:25:11 11 referred to as the Z list?

13:25:13 12 MS. ELLSWORTH: Objection.

13:25:14 13 A. They're not the same.

13:25:21 14 Q. What's the Z list?

13:25:23 15 A. Zs are students who are offered
13:25:38 16 admission, but are asked to matriculate the
13:25:45 17 following fall.

13:25:49 18 Q. Why might somebody be offered
13:25:53 19 admission for the following fall?

13:25:55 20 MS. ELLSWORTH: Objection.

13:25:55 21 A. There are a multitude of reasons.

13:25:59 22 Q. Do you recall a few common ones?

13:26:05 23 MS. ELLSWORTH: Objection.

13:26:05 24 A. These are students that Harvard would

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13:26:13 1 love to admit, and we just didn't have space
13:26:16 2 for them.

13:26:21 3 Q. Did they -- strike that.

13:26:26 4 Did Z list students -- strike that.

13:26:32 5 When were students designated as Z
13:26:34 6 list applicants?

13:26:38 7 MS. ELLSWORTH: Objection.

13:26:38 8 A. From my recollection, during the final
13:26:59 9 days of full committee.

13:27:02 10 Q. So is it fair to say that the class
13:27:05 11 had sort of been filled out, and there are
13:27:08 12 other students that are qualified, but there
13:27:10 13 wasn't space for, so they were offered
13:27:12 14 admission for the following year? That's
13:27:14 15 what you're referring to as "the Z list"?

13:27:17 16 MS. ELLSWORTH: Objection.

13:27:17 17 Q. Is that a fair characterization?

13:27:19 18 A. To clarify, there's really no point in
13:27:39 19 time when the committee deems the class
13:27:44 20 admitted as full. The committee admitted as
13:27:53 21 it saw fit, and then there would be a
13:28:02 22 realization that given a predicted yield
13:28:06 23 percentage for the entire class, too many
13:28:10 24 students may have been preliminarily

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13:28:13 1 admitted. So students would have to be
13:28:22 2 rediscussed to be taken out of the class.

13:28:30 3 Q. What factors would go into putting a
13:28:34 4 student on the Z list?

13:28:38 5 MS. ELLSWORTH: Objection.

13:28:38 6 A. The same factors that are used to
13:28:44 7 consider a student for admission would be
13:28:49 8 used to advocate for putting a student on the
13:28:57 9 Z list rather than reject or waitlist.

13:29:02 10 Q. I think you said that Z list
13:29:04 11 candidates were qualified, but it was more a
13:29:08 12 question of timing.

13:29:10 13 So I'm getting -- I'm asking what
13:29:11 14 factors would go to the timing component of
13:29:15 15 it as opposed to the qualifications?

13:29:18 16 MS. ELLSWORTH: Objection.

13:29:18 17 Q. You can answer if you understand what
13:29:21 18 I'm asking you.

13:29:22 19 A. I want to clarify that the timing
13:29:32 20 aspect could have applied to many, many more
13:29:40 21 students who unfortunately needed to be taken
13:29:44 22 out of the preliminary list of admits.

13:29:49 23 So students could have ended up on
13:29:52 24 the waitlist or rejected or on the Z list,

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13:30:01 1 and it would all depend on the first reader
13:30:09 2 or the subcommittee to advocate.

13:30:13 3 Q. Well, presumably somebody who got
13:30:16 4 admitted would be stronger than somebody who
13:30:18 5 got waitlisted who would be stronger than
13:30:20 6 somebody who got rejected; is that fair?

13:30:23 7 MS. ELLSWORTH: Objection.

13:30:23 8 A. Let me clarify that.

13:30:29 9 A student could have been
13:30:31 10 preliminarily admitted, and based on the
13:30:38 11 final number of admitted students Harvard
13:30:42 12 wanted to give an offer of admission to, the
13:30:46 13 committee had to move students out of the
13:30:51 14 admit category to waitlist, for example.

13:30:57 15 Q. What factors would the committee
13:31:03 16 consider in making the decision to move
13:31:05 17 students in the way that you just described?

13:31:07 18 A. So this would encompass the holistic
13:31:13 19 discussion all over again. Many, many
13:31:19 20 factors would be presented, and the committee
13:31:26 21 would have to make a subjective decision
13:31:28 22 where the student would ultimately land.

13:31:34 23 Q. Well, the committee wouldn't
13:31:38 24 reconsider every student in deciding who to

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15:20:37 1 MS. ELLSWORTH: Objection.

15:20:37 2 A. Not that I recall.

15:20:38 3 Q. Geographical imbalance?

15:20:40 4 A. Not that I remember.

15:20:51 5 Q. How about too few of a particular
15:20:53 6 group? I think my question was phrased as
15:20:55 7 too many. I guess I'm asking the flip side
15:20:58 8 of that. Were you ever given guidance in
15:21:00 9 terms of a group being too underrepresented?

15:21:07 10 A. Not that I remember.

15:21:18 11 Q. Did you know the numbers by race of
15:21:25 12 the preliminarily admitted class before the
15:21:28 13 lopping process began?

15:21:29 14 A. No.

15:21:36 15 Q. Do you know if that information was
15:21:38 16 tracked during the admissions process?

15:21:40 17 MS. ELLSWORTH: Objection.

15:21:41 18 A. I don't know.

15:21:42 19 Q. Okay. Then let's go back to -- with
15:21:57 20 the lopping process. The first reader would
15:22:00 21 consider holistically people who are
15:22:04 22 vulnerable, and then would the subcommittees
15:22:08 23 prepare a list of recommendations for
15:22:13 24 lopping?

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15:22:13 1 A. Yes.

15:22:16 2 Q. And then what happened next?

15:22:18 3 MS. ELLSWORTH: Objection.

15:22:18 4 A. What happened to the lists?

15:22:26 5 Q. Right. So the subcommittees could
15:22:30 6 come back and come up with a lop list.
15:22:32 7 Would they go back into a full committee or
15:22:34 8 something else?

15:22:36 9 MS. ELLSWORTH: Objection.

15:22:36 10 A. They would go back into full
15:22:41 11 committee.

15:22:41 12 Q. And then how would the process proceed
15:22:44 13 from there?

15:22:44 14 A. When I was there -- and things may
15:22:50 15 have changed since then -- we would proceed
15:22:56 16 alphabetically docket by docket and look at
15:23:04 17 each docket's identified names to come out of
15:23:08 18 the class.

15:23:10 19 Q. Okay. Then after that process, did
15:23:19 20 the full committee have some type of -- what
15:23:27 21 was the committee's -- strike that.

15:23:29 22 After that process, what was the
15:23:31 23 committee's information about groups by race
15:23:35 24 of the prospectively admitted class at that

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15:23:38 1 point?

15:23:39 2 MS. ELLSWORTH: Objection.

15:23:39 3 A. From what I remember, we were never
15:23:49 4 told the breakdown.

15:23:51 5 Q. So when did you learn the breakdown of
15:24:00 6 an admitted class by race?

15:24:02 7 A. Usually in the press release to the
15:24:05 8 public once the class was admitted.

15:24:10 9 Q. So is it your testimony that from the
15:24:17 10 beginning of the process until the press
15:24:19 11 release, the full committee did not have in
15:24:25 12 front of it the numbers of the prospectively
15:24:29 13 admitted class by race?

15:24:30 14 MS. ELLSWORTH: Objection.

15:24:31 15 A. From what I recall, yes.

15:24:37 16 Q. How were the lop lists maintained in
15:24:42 17 terms of documentation?

15:24:50 18 MS. ELLSWORTH: Objection.

15:24:50 19 A. Again, from what I remember, when I
15:25:01 20 was there, Dean Fitzsimmons kept a copy from
15:25:06 21 each docket and each docket chair had a copy.

15:25:11 22 Q. Okay. And what did that copy look
15:25:14 23 like?

15:25:16 24 MS. ELLSWORTH: Objection.

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16:44:37 1 charge of the search.

16:44:41 2 Q. Do you know how the search was
16:44:44 3 tailored to target underrepresented
16:44:48 4 minorities?

16:44:49 5 MS. ELLSWORTH: Objection.

16:44:49 6 A. Colleges are able to ask for names by
16:45:08 7 self-reported minority affiliation.

16:45:12 8 Q. Did you have any involvement in
16:45:15 9 identifying the parameters for requesting
16:45:19 10 names?

16:45:20 11 A. Not that I recall.

16:45:27 12 Q. I want to switch to athletics for a
16:45:31 13 little bit. What does it mean to be an
16:45:34 14 athletic liaison?

16:45:38 15 A. That is the person on the admissions
16:45:41 16 committee who is responsible for interacting
16:45:46 17 with the coach or coaches to know who is
16:45:55 18 applying each year.

16:45:58 19 Q. Okay. And is the admissions process
16:46:01 20 different for athletes than for nonathletes?

16:46:05 21 MS. ELLSWORTH: Objection.

16:46:05 22 A. No. The process of holistic admission
16:46:17 23 is the same.

16:46:18 24 Q. How is an applicant's athletic

1 CERTIFICATE

2 COMMONWEALTH OF MASSACHUSETTS)

3 COUNTY OF SUFFOLK)

4 I, Deborah Roth, a Registered Professional
5 Reporter and Notary Public duly commissioned
6 and qualified in and for the Commonwealth of
7 Massachusetts, do hereby certify: That
8 Grace Cheng, the witness whose deposition is
9 hereinbefore set forth, was duly identified
10 and sworn by me, and that the foregoing
11 transcript is a true record of the testimony
12 given by such witness to the best of my
13 ability.

14 I further certify that I am not related
15 to any of the parties in this matter by
16 blood or marriage, and that I am in no way
17 interested in the outcome of this matter.

18 IN WITNESS WHEREOF, I have hereunto set
19 my hand and affixed my notarial seal this
20 10th day of April 2017.

21 _____
22 Deborah Roth, CSR: 14700-S, RPR: 34250
23 My Commission Expires: December 31, 2021
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